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Shorelines Hearings Board
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BEFORE THE SHORELINES HEARINGS BOARD
OF THE STATE OF WASHINGTON

IN THE MATTER OF A SUBSTANTIAL
DEVELOPMENT PERMIT ISSUED BY
THE CITY OF SPOKANE TO PEDCO.
INC.

STATE OF WASHINGTON- DEPARTMENT
OF ECOLOGY. and SLADE GORTON,
ATTORNEY GENERAL.

Appellants.

SHB No. 33

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

A formal hearing on the request for review was held before Thomas R. Chapman, Hearing Examiner for the Shoreline Hearings Board, in Spokane, Washington, on August 17, 1973. The City of Spokane was represented by Larry Winner, Assistant Corporation Counsel; appellants were represented by Robert Jensen, Assistant Attorney General. the permittee, Pedco, Inc., made no appearance at the hearing after having been given due and proper notice.

FINDINGS OF FACT

I.

On July 13, 1972, following publication and notice thereof, the City of Spokane granted to Pedco Inc., a substantial development permit pursuant to the Shoreline Management Act of 1971 (Chapter 90.58 RCW) to construct along the Spokane River a multi-family apart-

SLADE GORTON, ATTORNEY GENERAL

Robert Jensen
Assistant Attorney General
Temple of Justice

Olympia WA 753-2358

1 ment complex, commercial restaurant and required parking on the approxi-
2 nate West 1000 block on Main Avenue within Section 18 of Township 25 N.,
3 Range 43 E.W.M. in Spokane, Washington. That shoreline is a shoreline
4 of state-wide significance.

5
6 II.

7 Appellants filed a timely request for review with the Board on
8 August 23, 1973.

9 III.

10 The application of Pedco, Inc., contains plans showing that
11 the proposed apartment complex includes the following: twin resi-
12 dential towers rising approximately 130 feet above the average
13 grade level of the ownership, a seven-story parking garage located
14 below ground level and cantilevered out over the banks of the Spokane
15 River, a public plaza and observation area between the towers, a
16 walkway across the front of the property providing public access from
17 the park adjoining the property on the west towards Spokane Falls and
18 a restaurant. The proposed substantial development would occupy
19 approximately three acres of shoreline of state-wide significance.
20 Immediately across Main Street from the proposed complex are situated
21 the following structures. new apartment building, parking lot, funeral
22 home, Elks Club, Masonic Temple, Chamber of Commerce Building and
23 Spokane Athletic Club.

24
25 IV.

26 At the time of receiving the substantial development permit,
27 Pedco, Inc., held an option on the property described above from the
FINDINGS OF FACT, CONCLUSIONS AND ORDER -2-

Spokane Club. This option had expired at the time of the hearing and the Spokane Club by letter of August 8, 1973, had formally requested the City of Spokane to rescind the permit.

V.

R. R. Reese, Director of the Department of Buildings, Spokane, Washington, sent a letter on August 7, 1973, to permittee, purporting to cancel the permit due to the inability of the permittee to proceed with the proposed project and for want of legal interest in the land by the permittee.

VI.

The City of Spokane and appellants stipulate that the proposed building has a height in excess of 35 feet above the average ground level, that the City of Spokane has no master program and that the property owner has not shown any overriding considerations of public interest which will be served by permitting this apartment complex to be built.

For which core these

CONCLUSIONS

I.

This Board has jurisdiction of the parties and subject matter of this review.

II.

The proposed twin tower condominium is inconsistent with RCW 90.58.320.

1 Therefore, it is Ordered

2 That the decision of the City of Spokane to issue a substantial
3 development permit to Pedco Inc., is vacated and the permit is
4 nullified.

5 DONE at Lacey, Washington this 26th day of September,
6 1973.

7 SHORELINES HEARINGS BOARD

8 Walt Woodward
9 WALT WOODWARD, Chairman,

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11 RALPH A. BESWICK, Member

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14 Robert F. Hintz
15 ROBERT F. HINTZ Member

16 Tracy J. Owen
17 TRACY J. OWEN, Member


18 Mary Ellen McCaffree
19 MARY ELLEN MCCAFFREE, Member

20 Presented by:

21 ROBERT JENSEN
22 Assistant Attorney General

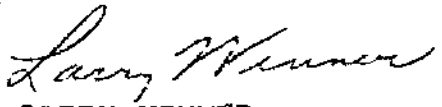
23 FINDINGS OF FACT, CONCLUSIONS AND ORDER -4-

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CHARLES W. LEAN
Assistant Attorney General

Attorney for Appellants

Copy Received and Notice
of Presentation Waived:


LARRY WINNER
Assistant Corporation Counsel
City of Spokane